IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1396/2005
(Champa Lal Vs. State of Rajasthan & Ors.)

Date of Order : 13/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Vishavjeet Joshi for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C. the petitioner complainant has challenged the order dated 29.8.2005 passed by Judicial Magistrate, Ist Class, Merta (for short 'the trial court' hereinafter) whereby the trial court dismissed the application filed by the petitioner complainant under Section 319 Cr.P.C.

I have heard learned counsel for the petitioner. Carefully gone through the order impugned.

In the first information report, the petitioner stated that not only the petitioner but three sons of his brother, as also sons of his brother Bhanwarlal have been assaulted by the non-petitioners. Neither any injury reports of these persons have

been placed on record nor in his statement before the Court on Oath, the petitioner has levelled any such allegation.

Learned counsel for the petitioner submitted that in the FIR, the names of persons who have been left by the police and not challaned, also appear and therefore, in the interest of justice, they be also arraigned as accused.

The trial court considered the statement of injured complainant petitioner, PW-2 Sohan Lal, PW-6 Satyanarayan and PW-8 Bhanwarlal. Almost all these witnesses by and large stated that the complainant and others were assaulted by non-petitioners No.2 Naurat Mal, No.3 Teja Ram, No.4 Likhma Ram, No.5 Parma Ram against whom after investigation the police has filed challan. In the circumstances, therefore, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court.

The petition has no force and it is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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